

Application Number 10/617,627
Responsive to Office Action mailed October 23, 2006

JAN 18 2007

REMARKS

This amendment is responsive to the Office Action dated October 23, 2006. Applicants have amended claims 1 and 7. Applicants have canceled claims 15-16 and added claims 18-22. Claims 1-14 and 17-22 are pending.

As a preliminary matter, the Examiner did not mention whether or not the amendment of August 10, 2006 was entered. For purposes of this response, Applicants assume that the amendment has been entered.

Traversal of Alleged Applicants' Admitted Prior Art (AAPA)

The outstanding Office Action cites to portions of the present application and alleges those portions as AAPA. However, a feature of the invention that can be gleaned only from Applicants' disclosure **may not be used against Applicants' as prior art, unless the specification includes an admission that the subject matter forming the basis of the rejection is in the prior art.**¹ The outstanding Office Action concludes that the cited portions of the present application are AAPA **without providing any objective evidence that such an admission is made.** As a result, the claim rejections are unsupported and cannot stand.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner maintained his rejection of claims 1-2, 4-8, and 10-16 under 35 U.S.C. 102(b) as being anticipated by Applicants' Admitted prior art. Applicants respectfully traverse the rejection. As explained above, Applicants do not acquiesce to the Examiner's characterization of the Background section of the Applicants' specification as being admitted prior art. Furthermore, the Background section of the Applicants' specification fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

Applicants' claimed invention is clearly different than the Background section of the Applicants' specification. For example, with respect to independent claim 1, the Background section of the Applicants' specification does not mention, suggest or otherwise disclose a

¹ See *In re Wertheim*, 191 USPQ 90, 102 (CCPA 1976) (emphasis added).

Application Number 10/617,627
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transformed error detection code syndrome, much less calculating a transformed error detection code syndrome from data having an error detection code appended to user data, wherein the transformed error detection code syndrome is calculated using a second polynomial as recited by Applicants' claim 1 as amended.

With respect to independent claim 7, the Background section of the Applicants' specification fails to disclose or suggest, for example, calculating a transformed error detection code syndrome using a second polynomial as recited by Applicants' claim 7 as amended. The Background section of the Applicants' specification also fails to disclose or suggest generating a recomputed transformed error detection syndrome using a first polynomial and a computed correction pattern for the ECC interleave encoded data as recited by Applicants' claim 7 as amended.

The Background section of the Applicants' specification fails to disclose each and every element set forth in independent claims 1 and 7. Claims 2-6, 8-14, and 17 depend either directly or indirectly from claims 1 and 7. Accordingly, claims 2-6, 8-14, and 17 are in condition for allowance for at least the same reasons as independent claims 1 and 7.

For at least these reasons, the Examiner has failed to establish anticipation of Applicants' claims 1-2, 4-8, 10-16 under 35 U.S.C. 102(b). Withdrawal of this rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner maintained the rejection of claims 3 and 9 respectively, under 35 U.S.C. 103(a) as obvious over Applicants' Admitted Prior Art in view of Williamson (US 5,905,740). Applicants respectfully traverse the rejection. As explained above, Applicants do not acquiesce to the Examiner's characterization of the Background section of the Applicants' specification as being admitted prior art. Furthermore, Williamson fails to overcome the obvious deficiencies of the Background section of the Applicants' specification with respect to independent claims 1 and 7.

As discussed previously, the Background section of the Applicants' specification fails to disclose or suggest calculating a transformed error detection code syndrome from data having an error detection code appended to user data, wherein the transformed error detection code

Application Number 10/617,627
Responsive to Office Action mailed October 23, 2006

syndrome is calculated using a second polynomial as recited by independent claim 1 as amended. Williamson also fails to disclose or suggest calculating a transformed error detection code syndrome from data having an error detection code appended to user data, wherein the transformed error detection code syndrome is calculated using a second polynomial. For this reason, the Background section of the Applicants' specification in view of Williamson fails to disclose or suggest the subject matter of claim 1 and, therefore, necessarily fails to disclose or suggest the subject matter of claim 3 as well.

The Background section of the Applicants' specification fails to disclose or suggest calculating a transformed error detection code syndrome using a second polynomial as recited by independent claim 7 as amended. Williamson also fails to disclose or suggest calculating a transformed error detection code syndrome using a second polynomial. For this reason, the Background section of the Applicants' specification in view of Williamson fails to disclose or suggest the subject matter of claim 7 and also the subject matter of claim 9.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicants' claims 3 and 9 under 35 U.S.C. 103(a). Withdrawal of this rejection is respectfully requested.

Unexamined Claims

The Office Action failed to provide any grounds of rejection for claim 17. As such, Applicants are unable to formulate a response with respect to claim 17. For this reason, the next Office Action, if any, must necessarily be non-final.

New Claims

Applicants have added claims 18-22 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicants' claims 18-22, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. No new matter has been added by new claims 18-22.

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JAN 18 2007**CONCLUSION**

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims.

Applicants do not acquiesce with any of the Examiner's current rejections or characterizations of the prior art, and reserves the right to further address such rejections and/or characterizations.

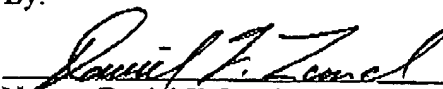
Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

January 18, 2007

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